

14. (Previously Presented) The compound of claim 12 wherein R<sup>4</sup> to R<sup>7</sup> and R<sup>14</sup> to R<sup>16</sup> are hydrogen atoms.

15. (Previously Presented) The compound of claim 12 wherein R<sup>3</sup> are both C<sub>3</sub> alkyl groups and R<sup>9</sup> and R<sup>11</sup> are both tertiary butyl groups.

16. (Previously Presented) The compound of claim 12 wherein R<sup>4</sup> to R<sup>7</sup> and R<sup>14</sup> to R<sup>16</sup> are hydrogen atoms and R<sup>9</sup> and R<sup>11</sup> are both tertiary butyl groups.

#### REMARKS

Claims 1-7 and 12-16 are before the Examiner. Claims 1 and 12 have been amended to delete the option aryloxy for R<sup>1</sup> and R<sup>2</sup>. The claims have been rejected as being unpatentable based on nonstatutory double patenting over claims 1-11 of U.S. Patent No. 6,376,410. Applicant has filed herewith a terminal disclaimer to obviate this rejection. The claims have also been rejected under 35 U.S.C. §102(a) as being unpatentable over W0 00/31091 (equivalent to U.S. 6,620,953 B1) ("Bingel").

Specifically the Examiner cites page 17, lines 45-56; page 18, lines 20-22, and 134-35; page 22, lines 39-40; and page 23, lines 7-8, and lines 19-20. The compounds disclosed in Bingel contain either no metal at all, or one halogen and one arylalkyl on the metal. Applicant respectfully submits that its amendment overcomes this rejection.


Bingel is directed to methods for producing metallocenes rather than to any particular metallocene. 3' and 5' substituted metallocenes are not disclosed or suggested except as part of a laundry list of more than 200 metallocenes. Applicants respectfully suggest, therefore, that Bingel does not render the instant claims obvious.

Applicant respectfully submits that all pending claims are in condition for allowance. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

Date

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